

Academic Appeals Policy & Procedure

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1. Introduction and Scope

- 1.1. An academic appeal is “a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards.”¹ (Office of the Independent Adjudicator for Higher Education (OIAHE)).
- 1.2. This Policy applies to students who wish to appeal against the decision of the following academic bodies:
 - 1.2.1. Boards of Examiners for either an undergraduate or postgraduate taught programme of study
 - 1.2.2. Academic Misconduct Panel
 - 1.2.3. The de-registration of a student made through the Student Engagement Policy.
- 1.3. The procedures set out in this Policy are for current students.
- 1.4. Staff and students taught in other partnerships should follow this and liaise with the NSCD Quality Office who will conduct all student appeals on behalf of the collaborative partner.

2. Grounds for Making a Formal Appeal

- 2.1. Formal Appeals can only be made if they meet the specified grounds. Students may appeal the decision of a **Board of Examiners, Academic Misconduct Panel or Student Engagement Panel** where it can be demonstrated one of the following has occurred:
 - 2.1.1. A material **administrative error**.
 - 2.1.2. A decision was not made in accordance with these **regulations**.
 - 2.1.3. **Mitigating circumstances** have not been considered.
- 2.2. The following matters are not grounds for appeal:
 - 2.2.1. Academic judgement of the examiners or markers. Academic judgement is defined as an opinion that can only be given by an academic expert, for example, a judgement about marks awarded for assessment, progression, degree classification or the achievement of course outcomes.
 - 2.2.2. Lack of awareness of the relevant procedure or regulations,
 - 2.2.3. Matters that would be more appropriately addressed through the NSCD Complaints Procedure².

¹ See [the OIA's Good Practice Framework - Handling complaints and academic appeals](#)

² See [Student Complaints](#).

3. Academic Appeals: Principles

- 3.1. Students who submit an appeal can expect to do so without risk of disadvantage or of unfair treatment.
- 3.2. Student well-being will be considered throughout the process to ensure accessibility, so that reasonable adjustments can be made where necessary.
- 3.3. Students have the right to withdraw their appeal at any time.
- 3.4. Students may not appeal against the academic judgement of the academic body. Academic judgement is defined as an opinion that can only be given by an academic expert, for example, a judgement about marks awarded for assessment, progression, degree classification or the achievement of course outcomes.
- 3.5. Students should normally submit their appeals themselves. However, there may be times where a student wishes or needs to be represented by a third party, for example a member of staff or a relative.
 - 3.5.1. Where the student is represented by a third party, the student must give formal written permission for this representation and for NSCD to discuss personal information with the third-party representative.
 - 3.5.2. Where written permission is not provided, NSCD will decline to accept a third-party appeal submission.
- 3.6. All appeals will be dealt with confidentially. All information and evidence submitted as part of an appeal will be treated as sensitive personal data under GDPR legislation ('special category data') and processed as such. Materials will be kept securely, with access restricted to those staff at NSCD who have a legitimate reason for accessing it to process the appeal.

4. Advice on the Appeals Process for Students

- 4.1. Advice and support for students is available from the Quality Office and students considering submitting an appeal are strongly encouraged to contact the Quality Office or Student Support at the earliest opportunity to discuss their appeal submission.
- 4.2. Appeals are not legal proceedings and legal representation at an Appeal Review hearing would only be appropriate in very exceptional circumstances. The involvement of a legal representative has potential to change the nature of the procedure or delay the process. However, if a student asks to use a legal representative, NSCD will carefully consider whether it would be reasonable in the circumstances of the case to allow them to do so.
- 4.3. Should a former student have good reason to submit an appeal beyond the deadlines stated within this procedure, they should be aware that it may be challenging to investigate or respond to the appeal. Therefore, it is advisable that an appeal is submitted within the given deadlines to ensure that it can be considered effectively.

5. Student Complaints and Protected Characteristics

5.1 Student Complaint Procedure

- 5.1.1. NSCD also has a complaints procedure³. This procedure is distinct from the procedure for Academic Appeals and is broader in scope.

³ See [Complaints Procedure for Students](#)

- 5.1.2. A student may submit both an appeal and a complaint at the same time, in such cases it may be necessary to suspend one process until the other is completed.
- 5.1.3. NSCD will employ a separate team, including external representation, where necessary to ensure both cases can be considered independently as required. In these instances, the Quality Office will oversee all proceedings.
- 5.1.4. With the agreement of the student, it may be decided to consider these matters together. In this situation a decision will be made by Quality Office in consultation with the Vice Principal about the most appropriate process.

5.2. Appeals Related to Protected Characteristics

- 5.2.1. If an appeal raises concerns in relation to protected characteristics as defined by the Equality Act 2010⁴, the appeal will immediately be put on hold and referred to Equality, Equity, Diversity & Inclusion Committee for consideration. The student will be informed if this is the case.

6. Academic Appeals Process

6.1. The Northern School of Contemporary Dance appeal process consists of three steps:

1. Early Resolution
2. Formal Appeal
3. Appeal Review

6.2. Deadlines and timeframe for Academic Appeals

- 6.2.1. There is flexibility to extend the deadlines for students set out in this procedure if there is good reason to do so.
- 6.2.2. If an appeal is received beyond the deadline, the student should provide good reason as to why the appeal is late.
- 6.2.3. The completion of the formal appeals process should usually take no longer than **90 calendar days**. At each stage of appeal, if deadlines are exceeded, the student will be kept informed.
- 6.2.4. The table below outlines the deadlines for both the student submission of an appeal at each of the three stages and the time the Quality Office should take to process the decision at each stage:

Stage	Student Submission	Quality Office outcome decision
Early Resolution	Within 7 days* following receipt of the academic body's decision	7 days to assess validity
Formal Appeal	Within 28 days following receipt of the academic body's decision OR 7 days following receipts of the outcome of Early	Outcome to a Formal Appeal within 21 days of receipt.

⁴ [Equality Act 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)

	Resolution decision	
Appeal Review	within 7 calendar days of receipt of their Formal Appeal Outcome.	Outcome to an Appeal Review request within 28 days

**days refer to calendar days*

7. Stage 1: Early Resolution

- 7.1. Students are strongly advised to resolve any issues or concerns informally with NSCD before entering the formal appeals process. This can provide a prompt outcome without the stress of a formal appeal.
- 7.2. The Quality Office must provide a response to the student within **7 calendar days**. This will ensure that, where Early Resolution has not proven successful, students are still able to proceed to the formal stages of the appeals process if they wish.
 - 7.2.1. Normally, a written response should be provided to the student setting out the outcome.
 - 7.2.2. Alternatively, the response can be provided via a face-to-face discussion with the student to explain a decision, or by asking an appropriate member of staff (i.e. Vice Principal, Head of faculty or member of the Quality Office) to handle the matter.
 - 7.2.3. In all cases, a record of the Early Resolution request and outcome must be kept by the NSCD Quality Office.

8. Stage 2: Formal Appeal

- 8.1. Where a student is not satisfied with the outcome of their Early Resolution attempt, they can submit a Formal Appeal.
- 8.2. Where a student does not submit an Early Resolution request and proceeds directly to submit a Formal Appeal, they will be asked to provide a valid reason for not seeking to resolve their issues and concerns informally via Early Resolution. The Appeals Case Manager may refer the matter to the Quality Office for Early Resolution if they feel it would provide a quicker outcome.
- 8.3. The submission of an appeal is not a guarantee of a successful outcome. The decision that the student is appealing against remains in force until the appeal is completed.
- 8.4. Formal Appeals should be submitted within **28 calendar days** from the date the University informed the student of the academic body's decision.
- 8.5. The Quality Office will let the student know the outcome of their appeal within **21 calendar days** of receipt of their appeal. If it is likely to take longer than this, the student will be kept informed.
- 8.6. Where an appeal affects more than one student, the students concerned may make a single appeal submission as a 'group' appeal. Each student concerned must confirm their participation in the appeal. The students concerned may wish to nominate one of the group to act as the group representative during the appeal. If this is the case, it should be clearly stated in the group appeal submission.

- 8.7. There may be circumstances under which a student may wish to submit an appeal anonymously. In such cases, the student concerned is advised to discuss this in advance with an Appeals Case Manager in the Quality Office, as there could be difficulties investigating this type of appeal with the limited information likely to be provided.

9. Process of Formal Appeals by the Quality Office

- 9.1. On receipt of a Formal Appeal, the Appeals Case Manager will undertake an initial assessment to determine whether it meets the technical conditions outlined above.
- 9.2. If the appeal meets the conditions, it will go forward for investigation as outlined below.
- 9.3. In exceptional circumstances, the Appeals Case Manager may contact the student for additional information to be submitted by a given deadline. If the student fails to respond, the appeal may be dismissed.
- 9.4. Where the appeal does not meet the conditions, at the discretion of the Case Manager, it will be dismissed. The student can ask for a review of the decision by submitting an Appeal Review request which will be considered as detailed below.

10. Evidence for a Formal Appeal or an Appeal Review Request

10.1. New Supporting Evidence

Where an appeal includes new supporting evidence (i.e. evidence that was not made available to the Board of Examiners), original hard copy documentation may be requested before the appeal will be considered. Students will be informed if this is the case.

10.2. Supporting Evidence not in English Language

If the original documentation is not in English, the student is required to also submit a translation into English that has been provided either by an accredited organisation or verified in writing by a member of NSCD staff fluent in the original language.

10.3. Falsified Evidence

Should the Appeals Case Manager have cause to suspect that the documentary evidence provided with the appeal has been falsified, they will refer the case to the Quality Office for consideration under the relevant policy (i.e. Non-Academic Misconduct). The appeal may be paused, or the appeal outcome withheld until the matter has been resolved.

10.4. Self-Certification as Evidence

Self-certification can be used as supporting evidence, where the period of self-certification coincides with non-submission of assessments, leads to late submission of assessments or absence from practical assessment. This should be managed in-year using the procedure as set out in Annex A.2 Mitigating Circumstances Policy & Procedure and cannot be applied retrospectively after the Board of Examiners.

11. Investigation of the Formal Appeal

- 11.1. The Formal Appeal will be investigated by an Appeals Case Manager in the Quality Office.

- 11.1.1. If there is a conflict of interest that would prevent any Appeals Case Managers from dealing with the case and any subsequent reviews, the case will be assigned to other members of staff outside of the Office who have the required training,

experience and authority to process the appeal.

11.2. The Appeals Case Manager will compile a case file, which normally contains the evidence base for the appeal:

11.2.1. Appeal form submitted by the student.

11.2.2. Supporting evidence submitted by the student with their appeal form.

11.2.3. Information relating to the decision made by the academic body that is the subject of the appeal.

11.2.4. Any other relevant information gathered by the Appeals Case Manager.

12. Formal Appeal Outcomes

12.1. When the Appeals Case Manager has investigated the case, they will come to one of three outcomes. The outcomes are:

12.1.1. that the appeal is **upheld in full**; i.e. the student's appeal has been successful and the outcome that they requested has been achieved;

12.1.2. that the appeal is **partially upheld**; i.e. the student's appeal has been partially successful and they have achieved part of the outcome they requested or an alternative outcome has been reached that has changed the original decision of the academic body to the benefit of the student;

12.1.3. that the appeal is **dismissed** on one or more of the reasons outlined in section 13, below; i.e. the student's appeal has not been successful and they have not achieved the outcome they requested or any alternative outcomes.

13. Reasons for Dismissing the Formal Appeal

13.1. The Formal Appeal can be dismissed for one or more of the following reasons:

13.1.1. that no evidence, or no relevant evidence, has been submitted to support the appeal;

13.1.2. that the appeal is based on evidence that relates to extenuating circumstances that could have been reported to NSCD at the time they occurred, but were not, and the student is unable to provide a valid reason for not having provided the evidence at the time;

13.1.3. that the appeal is against the academic judgement of the academic body;

13.1.4. that the outcome requested is not achievable or permissible within the NSCD Regulatory Framework;

13.1.5. that the recommendation against which the appeal is directed has yet to be made or, if made, has yet to be confirmed.

14. Stage 3: Appeal Review

14.1. The purpose of the Appeal Review stage is to review the decision taken at the Formal Appeal stage. The matter of the Formal Appeal itself will not normally be considered afresh and no new investigation will be carried out.

- 14.2. The Appeal Review will be undertaken by an Academic Chair of an Appeal Review Panel.
- 14.3. Where a Formal Appeal is dismissed or partially upheld by the Appeals Case Manager, the student may submit a request for a review of this decision within **7 calendar days** of being notified of it.
- 14.4. Requests should be submitted to the Quality Office using the NSCD Appeal's form.
- 14.5. Students are encouraged to enter the Appeal Review stage if they believe they have grounds.
- 14.5.1. Students should be aware that entering the Appeal Review stage of the formal appeals process might impact upon their ability to proceed to the next stage of their course or graduate with their cohort or participate, it may also delay a re-sit. This is because of the additional time that the Appeal Review will add to the overall timescale for completion of the formal appeals process.
- 14.6. The Quality Office will let the student know the outcome of their Appeal Review request within **28 calendar days** of receipt of their appeal. If it is likely to take longer than this, the student will be kept informed.

15. Grounds for Requesting an Appeal Review

- 15.1. When requesting a review of the decision taken at the Formal Appeal stage, the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
- 15.1.1. that, in making their decision, the Appeals Case Manager failed to follow the University's conventions and/or the Academic Appeals Policy;
- 15.1.2. that relevant new evidence has become available that should be considered and there are valid reasons why it was not presented at the time of the appeal.
- 15.2. If the Appeal Review request meets the conditions for an Appeal Review, it will be reviewed by the Academic Appeal Review Panel.
- 15.3. In exceptional circumstances, the student may be contacted for additional information to be submitted by a given deadline. If the student fails to respond, the appeal may be dismissed.

16. Academic Appeal Review Panel

- 16.1. The Academic Appeal Review Panel is an independent body convened to consider the student's Appeal Review request.
- 16.2. An Academic Appeal Review Panel is empowered to alter the academic body's decision and, in such cases, will direct the appropriate academic body to amend its decision.
- 16.3. The membership of an Academic Appeal Review Panel comprises three members from a pool of trained panel members as follows:
- 5.1.1. Vice Principal, Director of Studies or Head of Undergraduate or Postgraduate Studies (or nominee) from a Faculty which does not have responsibility for the student's course of study, who would normally act as the Chair.
- 5.1.2. A member of academic staff who does not teach the student (this could be an

external member if required).

5.1.3. The Student Union President (or nominee) where appropriate.

5.1.4. The Appeals Case Manager is in attendance as Secretary to the Panel.

16.4. Members of an Academic Appeal Review Panel will have no current academic or personal connection with the student (or students) considered by the Panel.

16.5. The Panel hearing will normally be held within **14 calendar days** of the student being informed that a Panel will be convened.

16.6. Academic Appeal Review Panels are arranged by the Quality Office.

17. Academic Appeal Review Panel Hearing

17.1. The student has the right to attend the Academic Appeal Review Panel hearing.

17.2. Where a student attends a meeting of the Review Panel, they may be accompanied by a supporter such as a friend or a relative.

17.3. The supporter may take notes on the student's behalf, make representations and ask questions but may not answer questions on the student's behalf or take part in decision making.

17.4. The supporter cannot attend the meeting in the student's absence. The student should inform the Quality Office of who will be attending as supporter in advance of the meeting.

17.5. Where a student attends a hearing, that attendance will either be in person or via video link.

17.6. A student who does not take up the opportunity to attend the hearing should be aware that the Academic Chair of the Review Panel will have discretion either to proceed with the hearing in the student's absence or to reconvene the Review Panel at a later date.

17.7. The student will be informed of the outcome of the Academic Appeals Review Panel within **7 calendar days** of the meeting.

18. Appeal Review Outcomes Following a Hearing

18.1. An Academic Appeal Review Panel is empowered to come to one of three outcomes:

18.1.1. **Uphold the Appeal Review Request;** i.e., the student's appeal review request has been successful and the outcome that they requested has been achieved;

18.1.2. **Partially uphold the Appeal Review Request;** i.e. the student's appeal review request has been partially successful and they have achieved part of the outcome they requested or an alternative outcome has been reached that has changed the original decision of the academic body to the benefit of the student;

18.1.3. **Dismiss the Appeal Review Request;** i.e. the student's appeal has not been successful and they have not achieved the outcome they requested or any alternative outcomes.

19. Graduation

19.1. **Important:** where a successful Early Resolution outcome could allow the student to graduate at the next Graduation Ceremony, the student should submit their early informal resolution request **as soon as possible**. However, even if a successful outcome is reached, it cannot be guaranteed that they will be able to graduate due to the short timeframe

between results publication and the graduation ceremony.

- 19.2. Similarly, time constraints for requests that might result in a student being able to participate in the resit examination period or to progress to the next stage of study in the coming academic year mean that these also cannot be guaranteed.

20. OIA Completion of Procedures Letters

- 20.1. Completion of Procedures Letters are only issued when the student reaches the end of the internal appeals process and there is no further route available to pursue their case.
- 20.2. A Completion of Procedures letter⁵ will allow the student to take their case to the Office of the Independent Adjudicator (OIA)⁶ and will only be automatically issued at the end of the Appeal Review stage where the Appeal Review has been dismissed. This includes cases where the appeal was dismissed due to not meeting the conditions for an Appeal Review.
- 20.3. A student whose **Formal Appeal** was **upheld**, can request a Completion of Procedures letter by emailing quality.office@nscd.ac.uk once in receipt of the Formal Appeal outcome.
- 20.4. A student whose **Formal Appeal** was **partially upheld** or **dismissed** and does not have grounds to submit an Appeal Review request, can request a Completion of Procedures letter by emailing quality.office@nscd.ac.uk once in receipt of their Formal Appeal outcome.
- 20.5. A student whose **Appeal Review** request was **upheld or partially upheld**, can request a Completion of Procedures letter by emailing quality.office@nscd.ac.uk once in receipt of their Appeal Review outcome

20 Reporting Processes and Improving the Student Experience

- 20.1. The Quality Office will have oversight and will closely monitor all aspects of the procedure to ensure compliance, consistency and fairness.
- 20.2. The Quality Office will liaise with the Student Union Council and Faculties in order to share areas of learning in order to improve the student experience, whilst respecting confidentiality.
- 20.3. On an annual basis, the Quality Office will analyse appeal and complaint statistics for report to the Senate and Governing Body. Areas of concern will be identified and addressed as required; areas of good practice will be highlighted and disseminated as appropriate.

⁵ A Completion of Procedures Letter is a letter which a provider sends to a student when they have reached the end of the provider's internal processes, whenever there is no further avenue for the student internally ([See Guidance Note for Completion of Procedures Letters](#))

⁶ The OIA is an independent body set up to review student complaints about higher education providers in England and Wales (See [OIA main page](#)).